

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ROBERT M. GERBER, AS TRUSTEE OF
ROSALIE GERBER TRUST, WILLIAM J.
GILLIGAN AND JAYNE GILLIGAN,
HUSBAND AND WIFE, SANFORD R.
HOFFMAN AND BETH L. HOFFMAN,
HUSBAND AND WIFE,
AND JAMES D. BURNS,

Plaintiffs,

v.

ROBERT S. BOWDITCH, JR.,
GERALD SLAVET, STEVEN RIOFF,
AND BSR ASSOCIATES,

Defendants.

CIVIL ACTION NO.
05-10782-DPW

**ASSENTED-TO MOTION FOR ADDITIONAL TIME TO FILE REPLY IN SUPPORT
OF DEFENDANTS' MOTION TO DISMISS SECOND AMENDED COMPLAINT**

Pursuant to Local Rule 7.1(B)(3), Defendants, Robert S. Bowditch, Jr., Gerald Slavet, Steven Rioff and BSR Associates, hereby move for leave for additional time to file a reply memorandum in support of Defendants' Motion To Dismiss Second Amended Complaint. The reply is currently due on Monday, November 7, 2005. Defendants seek an enlargement of this deadline up to and including November 11, 2005.

In support of this motion, Defendants state that they received Plaintiffs' Opposition at the close of business on October 31, 2005. Plaintiffs' Opposition is thirty-two pages in length. Defendants seek additional time to prepare a full response to Plaintiffs' arguments. No prejudice will result from the additional four days sought, as Plaintiffs' have assented to the request and as the matter is not to be heard until November 30, 2005.

WHEREFORE, Defendants respectfully request that the Court grant this motion for additional time to file their reply memorandum, up to and including November 11, 2005.

Respectfully submitted,

**ROBERT S. BOWDITCH, JR.,
GERALD SLAVET,
STEVEN RIOFF, AND
BSR ASSOCIATES,**
By their attorneys,

/s/ Christina N. Davilas

Steven W. Hansen (BBO# 220820)
Donald J. Savery (BBO# 564975)
Christina N. Davilas (BBO# 655477)
Bingham McCutchen LLP
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Dated: November 3, 2005

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that counsel for the Defendants have conferred with counsel for the Plaintiffs, who assented to the requested relief.

/s/ Christina N. Davilas

Christina N. Davilas

CERTIFICATE OF SERVICE

I, Christina N. Davilas, hereby certify that on this 3rd day of November, 2005, I served the foregoing document by causing a true copy of same to be delivered by first-class mail and facsimile to counsel for the Plaintiffs.

/s/ Christina N. Davilas
Christina N. Davilas